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Attorneys for Defendant

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK**

-----x  
JOHN GUGLIELMO and CRAIG WILHELMY. :  
on behalf of themselves, individually, :  
and on behalf of all others similarly situated, :  
: Plaintiffs, :  
: :  
v. : : 15-CV-3117 (ADS)  
: :  
THE CHEESECAKE FACTORY RESTAURANTS, INC., :  
: :  
Defendant. :  
-----x

**DEFENDANT'S NOTICE OF MOTION TO COMPEL ARBITRATION AND TO  
STRIKE OR MODIFY CLASS DEFINITION**

PLEASE TAKE NOTICE that upon the annexed Memorandum of Law in Support of It's Motion to Compel Arbitration, the Declaration of Laurie Lambert-Gaffney, together with Exhibits appended thereto, and upon all papers and proceedings herein, Defendant The Cheesecake Factory Restaurants, Inc. ("Defendant") will move this Court for an Order: (1) pursuant to the Federal Arbitration Act, 9 U.S.C. § 1 et seq. to compel the arbitration of the claims of Plaintiffs John Guglielmo and Craig Wilhelmy; (2) an order granting Defendant's Motion to Strike or Modify Class Definition; (3) awarding to Defendant all costs and disbursements, including attorneys' fees incurred in connection with this motion; and (4) granting to Defendant such other and further relief as the Court may deem just and proper.

Respectfully submitted,

Dated: September 8, 2015  
New York, New York

MORGAN, LEWIS & BOCKIUS LLP

By: /s/ Christopher A. Parlo  
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Christopher A. Parlo  
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**CERTIFICATE OF SERVICE**

I, Christopher A. Parlo, hereby certify that on this 8th day of September, 2015, a true and correct copy of Defendant's Notice of Motion, Memorandum of Law in Support of Motion to Compel and Declaration of Laurie Lambert-Gaffney and accompanying exhibits was served via CM/ECF upon all counsel of record.

/s/Christopher A. Parlo  
Christopher A. Parlo